

NATIONAL FOREST ADVISORY BOARD MEETING (NFAB) – September 15, 2004,
1 p.m. Rushmore Room, Ramkota Hotel and Convention Center, Rapid City, SD

ATTENDEES: Board members: Chairman Tom Blair, Vice-Chairman Bob Kloss, John Cooper, Aaron Everett, Ron Johnsen, Pat McElgunn, Jim Margadant, Jeff Olson, Bob Paulson, Jim Scherrer, John Teupel, and Ed Yelick. Forest Service representatives: Lonnie Arthur, Gwen Ernst-Ulrich, and Brad Exton.

Board members absent: Bryce In The Woods and Nels Smith.

Others in attendance were those making presentations, media representatives, the general public, and Forest Service staff: Pam Brown, Gary Chancey, Rick Hudson, Bonnie Jones, Craig Kjar, Steve Kozel, Mike Lloyd, Bob Thompson, and Jeff Ulrich.

HOUSEKEEPING ITEMS: Chairman Blair reminded everyone in attendance who would be speaking to clearly identify themselves and speak up. Please turn off all cell phones.

MINUTES: Chairman Blair reviewed the requirements for approval of previous meeting minutes. The chairman must certify the accuracy of detailed minutes of each advisory committee meeting, but Board approval is not required. The Designated Federal Officer (DFO) must ensure that minutes are certified within 90 calendar days of the meeting to which they relate. The draft minutes will be published by e-mail to provide a review and note any glaring errors. Notify Ernst-Ulrich within one week of changes and then the chairman will approve them.

Chairman Blair addressed the media, stating there would be no advance comments on today's meeting. The minutes from March, July, and August were distributed, and Chairman Blair suggested approval. Bob Paulson motioned to table approval until the next meeting to allow Board members time to review the minutes, seconded by Jim Scherrer. Motion carried. Jeff Olson distributed a handout to the Board members. The Agenda was approved.

Chairman Blair reminded everyone to keep his or her comments precise and short. Ernst-Ulrich initiated the regular agenda with the introduction of those scheduled to make public presentations on travel management:

The first speaker was Hell Canyon District Ranger Mike Lloyd. Tools are now available to manage motorized travel. Lloyd distributed a handout providing various definitions in addition to possible short and long-term options and/or solutions. The Chief's Proposed Rule is that each Forest will initiate a process to determine a system of roads, trails, and open areas. This has not been done on the Black Hills National Forest but needs to be done whether directed or not. The Forest Service has proprietary jurisdiction, but the laws remain unclear regarding the Forest roads, including lack of an interpretation from the Attorney General's office.

Paulson commented on the closure of areas physically unsuitable for vehicles (i.e., creeks, slopes, slope wetness, soils, etc.). Teupel commented regarding legislation in

relation to trail system management and a collaborative effort of National Forest, the State of South Dakota, and Game, Fish and Parks (GF&P) for enforcement. Paulson inquired as to what exceptions or permits there might be for bona fide off-trail use if the Forest is closed.

Lloyd reminded everyone that those provisions are a part of Special Order closures. McElgunn commented on enforcement issues as they relate to the State of South Dakota and the Forest Service. John Cooper referred to the Attorney General's opinion letter and the patchwork of regulations with our various system of State and Forest roads and non-cohesive regulations. There is the legal aspect aside from the administrative and enforcement aspects and even with a legislative package clarifying the issues, how would it be funded? Lloyd commented on OHV and snowmobile regulations and referenced Utah, Colorado, and Wyoming as having existing laws that can provide a model for South Dakota.

Steve Hobart who was next on the agenda was not present for comment.

The next speaker was Carl Stonecipher, president, Greater Dacotah Chapter, Safari Club International. Stonecipher's presentation was a CD PowerPoint from a hunting perspective. The group works for hunting and conservation of renewable resources worldwide. There are too many roads and too many cross-country vehicles. Walking and solitude are two important considerations. Motor homes do not need to be accommodated. What is access? The mindset is that closing one road is closing the whole Forest. He suggested closing areas to motorized travel and having to park vehicles and hunt by walking to the hunting areas. Animals are spooked by vehicle traffic and that interferes with those hunters who are walking. What was once "cow or other animal trails" are being built or upgraded that allow vehicles non-conductive to certain areas.

Cooper asked Stonecipher his opinion about some units being closed to motorized travel by GF&P and the Forest Service and vehicles used only for retrieval. Stonecipher indicated the quality of the hunt would be greatly increased. Olson inquired about how the elk population is affected by roads, and Stonecipher indicated that elk remain away from roads and search for areas away from roads to feed.

The next speaker was Todd Wilkinson representing three advocacy groups. He had no handouts. Wilkinson made note that the Black Hills has unique opportunities for many users. The nature of the oral presentation focused on snowmobiling and concerns that a closed Forest may restrict access to snowmobile trails. The development of the snowmobile trails includes seasonal easements of private land. Use of snowmobile maps is not compatible with OHVs, and OHV travel using those maps creates problems with private landowners.

Teupel asked Wilkinson for clarification as to whom he specifically was representing. Paulson commented on the snowmobile excise tax and funding for the snowmobile trail system. Teupel inquired of Cooper as to how much is generated through various sources that fund the snowmobile trails. Cooper did not have that amount available.

Chairman Blair commented on turning in violators as a means of self-policing the trail system.

Vice-chairman Kloss commented on the increase in growth of the motorized recreation industry.

The next speaker, Jack Cole, who had two handouts for the board, spoke primarily about the decision-making process and the importance of using professionals to make the decisions vs. politicians. He said he helped to put 18,000 additional acres into wilderness. The Forest has done a poor job of dealing with roads in the Forest. South Dakota is one of the most poorly managed states in the U.S. (i.e., water and natural resources).

The next speaker was Colin Patterson, a geologist from South Dakota School of Mines and Technology. Patterson spoke on behalf of himself, Elaine Ebbert, and Audrey Gabel. Patterson's PowerPoint presentation identified ecologically-sensitive areas in the Black Hills National Forest. This preliminary inventory depicted damage and abuse in these areas and included a spreadsheet describing the areas, their GPS locations, their unique qualities, their current status, and actions that are proposed or have been completed.

Paulson asked Bob Thompson about identifying additional areas that might be included in this preliminary inventory. Thompson said Custer Gap and Black Fox are a couple of additional areas to be considered. It's a moving target to get a handle on developing problems. Instead of signing where you can't go, sign where you can go. Teupel commented on why the Forest Service was not reacting to obvious abuses and why it would take a forum like this to bring this to our attention.

The Chair called for a 10-minute break.

The next speaker was Eugene Koevenig from Hill City, retired head of maintenance at Mt. Rushmore. The only answer is to close the Black Hills to all motorized OHV/ATV traffic with a system of trails for vehicular use. You are on the council; the advice you give is non-binding. As an island in the short-grass prairie, the Black Hills is accessible from all directions. We have excessive roads and more in this Forest than any other in the United States. Fire and management throughout the years have impacted logging. The decision-makers of today move on and do not have to live with their decision. Easy access and idle time influence the outcome of the Black Hills. Our heritage and future generations call for a comprehensive plan to balance development in the Black Hills and the whole of the Black Hills far overshadow minute concerns for an individual's private property. Show respect and admiration for this area as I have expressed to you. Additional comments were made on the Norbeck Preserve and Black Elk Wilderness.

Acting Forest Supervisor Brad Exton presented a Certificate of Appreciation to John Teupel in recognition of his tenure as Board vice-chairman.

The next speaker was Nancy Hilding from the Prairie Hills Audubon Society. Hilding distributed multiple handouts. Hilding thanked the Board for the opportunity to hear the

diverse presentations regarding the travel management issue. We support increased road closures, licensing, and policing. Only 1.3 percent of the Forest is closed at this time. Our perspective is have and have-not recreation. Multiple users, we call them multiple “abusers,” have prevented additional wilderness designations. Hilding commented on remote wilderness areas for “back country users” on the Black Hills National Forest and cited those that have been designated and the need for further designation or assignment as primitive wilderness areas. Hilding also commented on the Recreation Opportunity Spectrum (ROS) and its relationship to Forest planning.

Paulson commented on increased road closures, licensing OHVs, and the impacts of road closures on wilderness recreation. Cooper inquired if the Forest Service is required to inventory the Forest to identify wilderness areas and map those areas. Hilding said the Forest was required to inventory and create a set of information before making management decisions. They have a couple of maps but have not identified the various designated areas according to ROS. Cooper inquired of Hilding as to where the legal-sized document in her handouts had originated. Hilding said it is a cut and paste document from other documents including a guide on Forest planning.

The next speaker was Mark Howard who gave a PowerPoint presentation regarding single-track trails and how they are not compatible with double-track trails. It’s evident that we do have a problem as all of the presenters have indicated, but we need to move forward with a plan. The Forest Service is hamstrung by regulations. There is a template from other states as a model for us. This is travel management, not travel elimination. Howard suggested multiple trails for corresponding uses.

Paulson commented regarding the compatibility of horses and motorbikes on single-track trails. Teupel commented on the implication of Howard’s reference to legitimate use and what might be illegitimate use. Thompson presented a map of the Stagebarn Canyon Closure Proposal and commented on the difficulties of placing signs and noting closures in areas where entrances and exits are at various points. Paulson inquired if tickets are issued for trespassing in closed areas. Thompson assured him that there were tickets being issued as recently as this week.

Scherrer inquired of Patterson if his spreadsheet document was the suggestion to put a sign where it was indicated in the Action Column. Patterson indicated that was the recommendation. Teupel commented on the setting up of a trail system and how you prevent violators. This concluded the presenters who were listed on the agenda.

The next phase of presentations was opened up to those who wished to make a presentation within a three-minute time limit.

The first speaker was Jan Kaberna of Nemo. Kaberna presented a series of photos of damage in the area of Horsethief/Ice Cave and is recommending closure to other than foot-travel in the area closest to the cave. Hot fires are causing damage inside the cave and large limestone chunks are falling from the walls and ceilings. Cooper inquired if

this was the first time she had brought this to our attention. Kaberna indicated that she has been working on this issue for the past couple of years.

The next speaker was Kent Renaud, and he spoke about two-wheel travel trails in the Black Hills. Without established trails, the bikers are using cow and game trails. Scherrer inquired about mountain bikes and motorbikes using the trails and other single-track uses in the Black Hills.

The next speaker was Jeannie Prentice who lives in a ghost town. Prentice expressed concern that closing the Forest would adversely impact elderly and handicapped use in the Forest.

Jeff Kearney was the next speaker, and he spoke about ATVs and dirt bikes. He recognizes the damages from high-use concentrations and indicated that a group of which he is a member would be willing to pay a fee for trail use and maintenance. There are tourism impacts with visitors and spending in the area. With the growth of the industry, there is an economic impact. Approximately 100 people are employed in the OHV industry (in this immediate area). Teupel inquired about vehicle compatibility. Kearney's group is concerned about sensitive areas.

The next speaker was Mary Zimmerman, a land owner and Forest user, who spoke about motorized "wreckreation." She suggested a complete temporary closure for two to four years to get our arms around the problems. She suggested that motorized uses be strictly limited to private land as there is too much damage. Restrict access and levy fines. User fees and licensing should be implemented. She indicated that even though vehicles cannot always be seen on the trails hikers are using, they can still be heard, and their damage can be seen.

The next speaker was Wade Rice speaking about the OHV industry. Establish a user fee; establish a higher fee for out-of-state users; establish a trail system; we have too many trails already; provide funding for education and establish communication; provide adequate parking at trailheads; create maps and a set of rules; and provide for upkeep and law enforcement. A portion of sales tax could assist in funding. Teupel clarified that you cannot just request a portion of sales tax to be used for specific purpose. An excise tax structure for OHVs similar to the snowmobiles might be considered.

The next speaker was John Wermers, and he suggested the use of a trail system such as the one Gregg Mumm outlined (at last month's meeting).

Matt Hennies from Black Hills Jeeps reminded the group that their club abides by the closed signs. His group would be willing to put their name on a sign that supports a closure to prevent resource damage.

Patty Brown was the final speaker. She is a hiker and OHV rider and is not disturbed by OHVs when hiking. She indicated that we are our own Forest, not a Yellowstone. We are free-spirited and don't wear helmets. We don't want to be restricted such as a

Yellowstone or Teton the way the snowmobiles are. Paulson clarified that Yellowstone is a National Park and that is different from the Black Hills, which is a National Forest.

Chairman Blair instructed the Board that they have the Phase II Amendment before them for their reference. Ernst-Ulrich distributed some additional materials to help the Board read through the voluminous amount of materials.

Scherrer requested that the Board use this opportunity to thank the public for their work and input into this process. He thanked those in attendance for the hours they put in at the meeting and the preparation they made to provide a good presentation. He wants to have quick action taken on the public comments and get this wrapped up soon. Everett concurred. Johnsen thanked the group and also called for quick action to get a recommendation to the Forest Service. Vice-chairman Kloss thanked the group and reminded everyone that we have an urban Forest and not to try to de-urbanize or ruralize it. He also supported the involvement of the Black Hills Council of Governments. Cooper thanked everyone for all their diligence and hard work to provide the Board with information regarding travel management. He stated that there are immediate needs. Regarding regulation, there are 10 percent who abide by all regulations, 10 percent who don't, and 80 percent who need regulation. Paulson thanked the public and also stated that there is the need to keep momentum. McElgunn spoke of the history of the Black Hills National Forest being open and that demands caution in our approach and to not re-create the wheel.

Chairman Blair thanked the public for their efforts and that he on behalf of himself and the Board appreciated all their efforts and hard work. Where do we go next? Chairman Blair appointed a sub-committee to distill the presentations and make a recommendation to the full Board. Vice-chairman Kloss will chair the committee; Jim Margadant, Jim Scherrer, Greg Mumm, and Colin Patterson are the additional members.

Cooper asked Thompson to take a good look at the locations that Colin Patterson had outlined to look at possible solutions. Exton stated they are looking into the moss areas with the possibility of Special Orders and would look at defining boundaries for possible areas of closure.

Chairman Blair asked Jeff Ulrich to take a few moments to tell the Board how to quickly read the Phase II Amendment materials. Ulrich indicated to read Chapters 1 and 2 and a portion of 3, as they contain the key points of the report. The remainders are the supporting documents of the three chapters noted.

Yelick submitted a printed motion: "I move that the Black Hills Forest Advisory Board in its regular meeting of September 15, 2004 accept the two-volume draft report titled Phase II, submitted by the Forest Service for its review, further that the Board proceed in its regular meetings to amend the report by motions from the individual board members, submitted to the members prior to these meetings. After these amendments, the Board will vote on the report." Respectfully submitted, H. Edward Yelick asking for a second.

Scherrer seconded the motion asking for comment. Teupel stated that the Board couldn't amend, but can comment and recommend. Yelick asked to obtain a complete set of recommendations.

Scherrer asked who the Forest Service representative on the travel management sub-committee would be. Exton stated it would be Rick Hudson.

Johnsen asked what the agenda for the next meeting would look like. Chairman Blair stated that most of the meeting will be centered on the travel management issue.

Chairman Blair adjourned the meeting at 5:20 p.m.